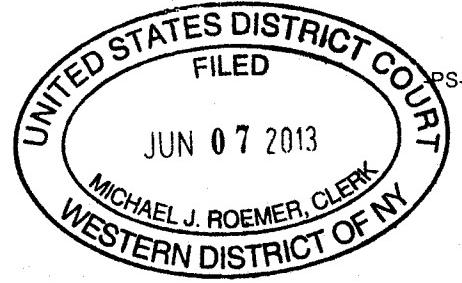


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



EDWIN CRUZ, 04A0512,

Plaintiff,

-v-

13-CV-6131Fe
ORDER

State of New York, Commissioner of the New York State Department of Corrections (DOC) Brian Fischer; Thomas Griffin, DOC Superintendent; M. Sheehan, Deputy Superintendent of Security; S. Waters, DOC Officer; C. Clark, DOC Officer; John Does 1-10 and John Does 1-20; sued in their individual capacities;

Defendants.

Plaintiff, who is incarcerated in the Auburn Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

In his complaint, plaintiff lists several identified defendants, and several John Doe defendants. Pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997) (*per curiam*), the Court requests that the Attorney General of the State of New York ascertain the full names of the John Doe defendants plaintiff seeks to sue. The Attorney General is also requested to provide the addresses where all of the John Doe defendants can currently be served. The Attorney General need not undertake to defend or indemnify these individuals at this

juncture. This order merely provides a means by which plaintiff may name and properly serve the defendants as instructed by the Second Circuit in *Valentin*.

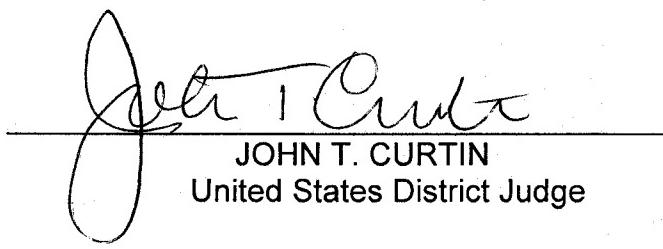
The Attorney General of the State of New York is hereby requested to produce the information specified above regarding the identities of the John Doe defendants by **July 8, 2013**. The information should be sent to the Pro Se Office, 570 U.S. Courthouse, 2 Niagara Square, Buffalo, New York 14202. Once this information is provided, plaintiff's complaint shall be deemed amended to reflect the full names of the John Doe defendants, summonses shall be issued and the Court shall direct service on those defendants.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor. The Clerk of Court shall send a copy of this Order to the Assistant Attorney General in Charge, 144 Exchange Street, Rochester, New York 14614.¹

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

DATED: June 5, 2013
Buffalo, New York



JOHN T. CURTIN
United States District Judge

¹Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, see Fed.R.Civ.P. 12(a)-(b), if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.